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Prd. Ex 1.

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2-26-73

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

WILLARD W. LEISKE, M.D.,

Respondent:

NO. D-1241

OLA 24985

DECISION

The attached Proposed Decision of the Hearing Officer is hereby adopted by the Board of Medical Examiners as its decision in the above-entitled matter.

This decision shall become effective on August 13, 1971.

IT IS SO ORDERED July 14, 1971.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

By Paul J. Dugan

PAUL J. DUGAN, M.D.
Secretary-Treasurer

PJD:bsh

BEFORE THE BOARD OF MEDICAL EXAMINERS
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In the Matter of the Accusation
Against:

WILLARD W. LEISKE, M.D.,

Respondent.

NO. D-1241

OLA 24985

PROPOSED DECISION

This matter came on regularly for hearing before P. J. Doyle, Hearing Officer, State of California, Office of Administrative Procedure, on May 5, 1971, and was also heard on June 14, 1971, at Los Angeles, California. Henry Lewin, Deputy Attorney General, represented the Board of Medical Examiners. Respondent was present and was represented by his attorney Fred H. Ryneal. Evidence both oral and documentary having been introduced and the matter submitted, the Hearing Officer finds the following facts:

I

Wallace W. Thompson, Executive Secretary of the Board of Medical Examiners of the State of California, made the accusation in said official capacity and not otherwise.

II

Respondent Willard W. Leiske, M.D. (hereinafter respondent) was heretofore issued a physician's and surgeon's certificate by the Board of Medical Examiners of the State of California (hereinafter the Board) and at all times herein mentioned respondent was, and now is, licensed to practice medicine and surgery in the State of California.

III

At all times hereinafter mentioned Section 4211 of the Business and Professions Code provided, in part, that "dangerous drug" means any drug unsafe for self-medication and includes barbituric acid derivatives (Seconal, Nembutal and Dexedrine).

IV

Respondent prescribed the following dangerous drugs as herein-
after set forth in detail, without prior examination or medical
indication therefor:

	<u>DATE</u>	<u>NAME</u>	<u>DRUG</u>	<u>QUANTITY</u>	<u>REFILLS</u>
a.	10-10-69	K██████ B██████ aka K██████ P██████	Dexedrine	36 spansules	10
b.	"	" " "	Seconal	36 capsules	10
c.	12-5-69	K██████ B██████ aka K██████ P██████	Dexedrine	200 spansules	10
d.	"	" " "	Seconal	200 capsules	10
e.	12-15-69	K██████ C██████ aka T██████ C██████	Nembutal	50 capsules	6
f.	1-9-70	" " "	Dexedrine	36 spansules	6
g.	1-28-70	K██████ B██████ aka K██████ P██████	Seconal	50 capsules	6
h.	"	" " "	Dexedrine	100 capsules	6
i.	1-28-70	Mary Thomas, a fictitious person	Seconal	30 capsules	1
j.	3-2-70	K██████ B██████ aka K██████ P██████	Dexedrine	100 spansules	4
k.	"	" " "	Seconal	100 capsules	4
l.	3-2-70	Mary Thomas, a fictitious person	Seconal	100 capsules	4

V

The following was also proven:

1. Respondent was originally licensed as a practitioner of osteopathy (D.O.) in California in 1960, prior to his being licensed as a medical physician (M.D.) approximately 1963. Since August of 1961 he has been in general practice in the Riverside area of California.

2. He is also licensed to practice osteopathy in the State of Missouri. He has incurred no known prior disciplinary action by the Board.

4. Respondent admitted his so prescribing for Mary Thomas, a person whom respondent never saw because she was non-existent, was wrong. As for the amounts, strength, frequency, and purpose of writing his other above-designated prescriptions, his explanations therefor were wholly unsatisfactory.

5. Although he recently has acquainted himself with the laws of this State pertaining to the dispensing of dangerous drugs, he continues to fail to grasp the severity and the gravity of his grossly-indiscriminate actions in so prescribing.

6. No affirmative defense, including the defense of entrapment, was established.

* * * * *

Pursuant to the foregoing findings of fact, the Hearing Officer makes the following determination of issues:

I

Sections 2360 and 2361 of the Business and Professions Code empower the Board of Medical Examiners of the State of California to take disciplinary action against the holder of a physician's and surgeon's certificate who is guilty of unprofessional conduct.

II

Respondent is guilty of unprofessional conduct as defined in Section 2399.5 of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The physician's and surgeon's certificate, previously issued by the Board of Medical Examiner of the State of California, to Willard W. Leiske, M.D., to practice medicine and surgery in the State of California, is hereby revoked.

I hereby submit the foregoing
which constitutes my Proposed
Decision in the above-entitled
matter, as a result of the
hearings had before me on the
above dates, at Los Angeles,
California, and recommend its
adoption as the decision of
the Board of Medical Examiners
of the State of California.

DATED: June 17, 1971

PJD:bsh

P. J. Doyle
P. J. DOYLE, Hearing Officer

THOMAS C. LYNCK, Attorney General
HENRY LEWIN,
Deputy Attorney General
600 State Building
Los Angeles, California 90012
Telephone 620-3143

Attorneys for Complainant

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE ACCUSATION
AGAINST:

NO. D-1241

WILLARD W. LEISKE, M.D.,

ACCUSATION

Respondent.

COMES NOW WALLACE W. THOMPSON, the complainant herein
and alleges as follows:

1. That at the time of executing and filing the with-
in pleading, the complainant herein was and now is the Executive
Secretary of the Board of Medical Examiners of the State of
California, and that he performed said acts in his official
capacity and not otherwise.

2. That respondent Willard W. Leiske, M.D. (hereinafter
respondent) was heretofore issued a physician's and surgeon's
certificate by the Board of Medical Examiners of the State of
California (hereinafter the board) and at all times herein
mentioned respondent was, and now is, licensed to practice medicine
and surgery in the State of California.

3. That at all times hereinafter mentioned, sections
2360 and 2361 of the Business and Professions Code authorized the
board to take action against the holder of a physician's and

1 surgeon's certificate who is guilty of unprofessional conduct.

2 4. That at all times hereinafter mentioned unpro-
3 fessional conduct has been defined in section 2399.5 of the
4 Business and Professions Code as the prescribing of dangerous
5 drugs as defined in section 4211 of the Business and Professions
6 Code without either a prior examination of the patient or medical
7 indication therefor.

8 5. That at all times hereinafter mentioned section
9 4211 of the Business and Professions Code provided, in part,
10 that "dangerous drug" means any drug unsafe for self-medication
11 and includes barbituric acid derivatives (Seconal and Dexedrine).

12 6. That respondent has been guilty of unprofessional
13 conduct as defined in said section 2399.5 of the Business and
14 Professions Code in that respondent prescribed the following
15 dangerous drugs as defined in said section 4211 of the Business
16 and Professions Code without either a prior examination of the
17 following named patients or medical indication therefor:

18

	<u>DATE</u>	<u>NAME</u>	<u>DRUG</u>	<u>QUANTITY</u>	<u>REFILLS</u>
19	a. 10-10-69	K [REDACTED] B [REDACTED] aka K [REDACTED] P [REDACTED]	Dexedrine	36 spansules	10
20	b. "	" " "	Seconal	36 capsules	10
21	c. 12-5-69	K [REDACTED] B [REDACTED] aka K [REDACTED] P [REDACTED]	Dexedrine	200 spansules	10
22	d. "	" " "	seconal	200 capsules	10
23	e. 12-15-69	K [REDACTED] C [REDACTED] aka T [REDACTED] C [REDACTED]	Mambutal	50 capsules	6
24	f. 1-9-70	" " "	Dexedrine	36 spansules	10 6
25	g. 1-28-70	K [REDACTED] B [REDACTED] aka K [REDACTED] P [REDACTED]	Seconal	60 capsules	6
26	h. "	" " "	Dexedrine	100 spansules	6
27	i. 1-28-70	Mary Thomas	Seconal	30 capsules	1
28	j. 3-2-70	K [REDACTED] B [REDACTED] aka K [REDACTED] P [REDACTED]	Dexedrine	100 spansules	4
29	k. "	" " "	Seconal	100 capsules	4
30	l. 3-2-70	Mary Thomas	Seconal	100 capsules	4

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1 WHEREFORE, the complainant prays that the Board of
2 Medical Examiners hold a hearing on the matters alleged herein
3 and following said hearing take such disciplinary action as is
4 provided in section 2372 of the Business and Professions Code,
5 and take such other and further action as may be proper.

6 DATED: This 5th day of March 1970

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10 Wallace W. Thompson
11 WALLACE W. THOMPSON, Executive Secretary
12 Board of Medical Examiners of the State
13 of California, Complainant
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